

REMARKS

This is in response to the Office Action mailed August 20, 2008. Reconsideration and allowance of the subject application, as amended, are respectfully requested.

Claims 32-35 and 37-56 are currently pending. The independent claims have been amended to clarify the claimed invention, and various dependent claims have been amended to make minor language changes.

In making the within claim amendments, Applicants are clarifying the claimed subject matter and are not acquiescing as to the validity and/or correctness of the rejections of the subject application and/or of the characterizations of the prior art in the Office Action. The within claim amendments are not intended to, and do not result in disclaimer, waiver, and/or estoppel vis-à-vis claim scope and/or equivalents.

The claims have been rejected under 35 U.S.C. §103(a) as being unpatentable over combinations of Beshai et al. (U.S. Patent No. 6,721,271), Massa et al. (U.S. Patent No. 6,658,469), Edholm (U.S. Patent No. 6,600,721), Mauger et al. (U.S. Patent No. 6,917,586), Wang (U.S. Patent No. 6,477, 612), and Beckett et al. (U.S. Patent No. 6,724,896). It is respectfully submitted that these rejections of the claims, as amended, are not warranted.

All claim limitations must be considered material in judging the patentability of the claims against the prior art. MPEP §2143.03; *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976); *In re Wilson*, 424 F.2d 1382, 165 USPQ 494 (CCPA 1970). In order to support a rejection under §102, each and every limitation of the reject claim must be disclosed identically within a single unit of prior art. Furthermore, in determining the differences between the prior art and the claims, the question under 35 USC §103 is not whether the differences themselves

would have been obvious, but whether the claimed combination of limitations, as a whole, would have been obvious. MPEP §2141.02; *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976). Rejections based on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with factual rationale to support a *prima facie* case of obviousness. In order for that reasoning and rationale to be proper, among other things, all of the claim limitations must be taught or suggested in the art relied upon by the Examiner. MPEP §2141 III; *KSR International v. Teleflex Inc.*, 550 U.S. \_\_\_, 82 USPQ2d 1385 (2007).

In the Office Action, the Examiner acknowledges that neither Beshai et al., nor Massa et al., nor Edholm, nor Mauger et al., nor Wang discloses “associating a portion of the data associated with a subsequent transfer operation for the request” or “the portion of the data corresponding to an amount of data when added with the amount of data in the first memory buffer does not exceed the maximum transfer size.” Office Action, pages 4, 8, 12, and 14. Thus, at least in view of the Examiner’s acknowledgement of the deficiencies of these five documents, it is not seen that the Examiner can reasonably argue that any of these five documents, in any combination, can be said to disclose or suggest at least the following limitations of the claims, as amended:

if the amount of data associated with the first transfer operation has not reached the maximum transfer size, associating a portion of the data that is currently associated with a subsequent transfer operation for the RDMA request with the first transfer operation instead of with the subsequent transfer operation, the portion of the data being located in one or more portions of one or more other memory buffers in the local system, the subsequent transfer operation being over the data network to the remote memory buffer in the remote system. (Independent claim 1, as amended).

This specific combination of features of claim 1, as amended, is nowhere disclosed or suggested in Beshai et al., Massa et al., Edholm, Mauger et al., and/or Wang. Each of the currently pending independent claims, as amended, contains the above limitations of claim 1, as amended, or similar limitations. Thus, all of the currently pending claims, as amended, contain these limitations or substantially similar limitations, either directly, or by depending from one of the independent claims, as amended.

Beckett et al. also does not disclose or suggest these features of the claims, as amended, that are missing from Beshai et al., Massa et al., Edholm, Mauger et al., and Wang. Beckett et al. discloses:

[P]erforming event-driven data transfer operations over a global computer network are provided. This is accomplished by extracting data from a database stored on a first computer system connected to a global computer network, monitoring the data extracted from the database to determine whether the data is ready to be transmitted to a second computer system connected to the global computer network, and transmitting the data to the second computer system. The second computer system, in turn, receives the data transmitted from the first computer system, monitors the data to determine whether the data is ready to be merged into a database stored on the second computer system, and merges the data into the database. The second computer system may then transmit data back to the first computer system using a method analogous to the one just described.

(Beckett et al., column 1, lines 49-65).

Even assuming for the sake of argument that the specific portion (i.e., column 4, line 32 to column 5, line 63) of Beckett et al. cited by the Examiner in the Office Action in support of the Examiner's claim rejections discloses, as is asserted by the Examiner, "associating a portion of the data associated with a subsequent transfer operation for the request," it cannot be said that Beckett discloses the aforesaid specific combination of features of the claims, as amended, that are also missing from Beshai et al., Massa et al., Edholm, Mauger et al., and/or Wang, namely:

if the amount of data associated with the first transfer operation has not reached the maximum transfer size, associating a portion of the data that is currently associated with a subsequent transfer operation for the RDMA request with the first transfer operation instead of with the subsequent transfer operation, the portion of the data being located in one or more portions of one or more other memory buffers in the local system, the subsequent transfer operation being over the data network to the remote memory buffer in the remote system. (Independent claim 1, as amended).

Although the claims, as amended, are not limited to or by embodiments disclosed in the Specification, in embodiments disclosed in the Specification, the above limitations of the claims, as amended, permit these embodiments to operate in a manner that is different from and advantageous compared to the technology disclosed in Beshai et al., Massa et al., Edholm, Mauger et al., Wang, and Beckett. See, e.g., Specification, page 15, line 8 to page 20, line 9. Accordingly, since these advantageous features, among others, of the claimed invention are nowhere disclosed or suggested in any of these six documents, taken singly or in any combination, it is respectfully submitted that none of these documents, taken singly or in any combination, anticipates or renders obvious the claimed invention. Therefore, in view of all of

the foregoing, and the within claim amendments, it is respectfully submitted that each and every one of the Examiner's rejections in the Office Action is not warranted and should be withdrawn.

In the event that the Examiner believes that a telephone interview would advance the prosecution of this application, the Examiner is invited to call the undersigned attorney to initiate an interview.

In the event that any fees are due or payable in connection with this submission or in this application (including any applicable extension of time for response fees) please charge them to Deposit Account No. 50-4238. Likewise, please credit any overcharges to Deposit Account No. 50-4238.

Respectfully submitted,

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